

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CIVIL ACTION NO.:

10-CV-04367(CS)(LMS)

\_\_\_\_\_  
LEE PORRAZZO, )  
                        )  
                        )  
Plaintiff,         )  
                        )  
-v-                 )  
                        )  
BUMBLE BEE FOODS, LLC and THE STOP & )  
SHOP SUPERMARKET COMPANY, LLC,         )  
                        )  
Defendants.         )  
                        )

TRIAL BY JURY DEMANDED

AMENDED COMPLAINT

The plaintiff, LEE PORRAZZO, sues the Defendants, BUMBLE BEE FOODS, LLC and THE STOP & SHOP SUPERMARKET COMPANY, LLC and alleges as follows:

FACTS

1. This is an action for money damages to compensate the plaintiff for contracting mercury poisoning as the result of consuming the defendant, BUMBLE BEE FOODS, LLC's (hereinafter "BUMBLE BEE") tuna fish from approximately January 2006 to October 2008. During this time, the plaintiff consumed BUMBLE BEE tuna fish sold to him by the defendant STOP & SHOP SUPERMARKET COMPANY, LLC (hereinafter "STOP & SHOP") in six (6) ounce cans, which the plaintiff usually bought on sale at the defendant, STOP & SHOP's stores which were conveniently located in White Plains, New York, the city in which the plaintiff also lived. During this time, the plaintiff purchased from the defendant STOP & SHOP and then consumed approximately ten (10) six (6) ounce cans of Bumble Bee tuna fish per week.

2. The reason the plaintiff mostly bought and consumed the defendant BUMBLE BEE's tuna fish product is that its brand was the one which was usually on sale at the defendant, STOP & SHOP's stores. As evidence of these facts, annexed as Exhibit "A," are copies of receipts from the defendant STOP & SHOP's stores indicating the plaintiff's purchase of Bumble Bee tuna fish on sale.

3. In addition, from approximately January 2006 to October 2008, when the plaintiff was consuming Bumble Bee tuna fish as his major source of protein, the defendant, BUMBLE BEE, through television commercials, product advertisements and product labeling, promoted its Bumble Bee tuna fish as an excellent and safe source of high quality protein, vitamins, minerals and Omega-3 fatty acids, as well as being low in saturated fats and carbohydrates and touted its product as being "heart healthy."

4. The defendant BUMBLE BEE's foregoing six (6) ounce cans of tuna fish, which were sold for public consumption and specifically sold to the plaintiff, LEE PORRAZZO, at the defendant STOP & SHOP's stores, gave no warning to the plaintiff, LEE PORRAZZO, a lay consumer, that the foregoing tuna fish product contained mercury, an odorless, colorless, tasteless, poisonous, heavy metal and both defendants failed to warn the plaintiff that consumption of such tuna fish in certain quantities was unsafe and dangerous because of its mercury content.

5. At some point during the time from approximately January 2006 to October 2008, when the plaintiff, LEE PORRAZZO, was consuming Bumble Bee tuna fish bought at the defendant STOP & SHOP's stores as aforesaid, the plaintiff, LEE PORRAZZO, began to experience, 2 to 3 times per week, episodes of chest pains, heart palpitations, sweatiness, dizziness, and lightheadedness, all of which gave the plaintiff the impression that he had a heart condition. The plaintiff was caused to seek medical attention and to undergo numerous medical testing procedures and studies which tests did not explain the plaintiff's symptoms

6. At one point, on April 14, 2006, the plaintiff was caused to go to the White Plains Hospital Emergency Room believing he was having a heart attack (see a copy of medical records dated April 17, 2006 from Allen Jaffe, M.D. of the Westchester Medical Group indicating same, annexed as Exhibit B). Due to the foregoing physical maladies, the plaintiff was psychologically distraught and worried, since none of the plaintiff's treating physicians and/or his heart specialist could diagnose what was causing the foregoing frightful episodes.

7. For an extensive period of time, neither the plaintiff, nor the plaintiff's treating physicians, could determine what was causing the plaintiffs symptoms. On or about,

October 1, 2008, the plaintiff's primary care doctor, Alan Jaffe, M.D., ordered a heavy metals blood test, which test showed the plaintiff to have a dangerously high level of mercury in his blood. Annexed hereto as Exhibit C is a copy of the plaintiff's medical records indicating that the plaintiff's blood mercury level on October 1, 2008 was 23 mcg/L as opposed to less than 10 mcg/L which is normal.

8. The plaintiff learned for the first about this abnormally high level of mercury in his blood from the New York State Department of Health which contacted the plaintiff by telephone on, or about October 1, 2008. Then, New York State Department of Health personnel advised the plaintiff of the dangerous mercury level in his blood, asked questions of the plaintiff, filled out a questionnaire and then instructed the plaintiff to stop eating tuna fish. As evidence of these facts, annexed hereto as Exhibit D is a certified copy of the plaintiff's records in the possession of the New York State Department of Health.

9. After heeding this advice, the plaintiff's mercury levels were again tested by Dr. Jaffe's office on or about November 4, 2008 and the results, annexed hereto as Exhibit E, show that the plaintiff's mercury levels returned to normal. Although the plaintiff no longer experienced the heart attack like symptoms previously described, he remains worried today about what effects the mercury has had on his health.

10. The Defendants knew, or should have known, that regular consumption of their tuna fish product would be dangerously unsafe due to the mercury level contained therein.

AS AND FOR A FIRST CAUSE OF ACTION  
AS AGAINST THE DEFENDANT BUMBLE BEE FOODS, LLC

11. The plaintiff, LEE PORRAZZO, at all times hereinafter mentioned, was and still is a resident of the City of White Plains, County of Westchester, State of New York.

12. The defendant, BUMBLE BEE, at all times hereinafter mentioned, was and still is a limited liability corporation doing business in the County of Westchester, State of New York.

13. That at all times hereinafter mentioned, the defendant, BUMBLE BEE, transacted business within the State of New York.

14. That at all times hereinafter mentioned, the defendant, BUMBLE BEE, derived substantial revenue from goods used or consumed or services rendered in the State of New York.

15. That at all times hereinafter mentioned, the defendant, BUMBLE BEE, expected, or should reasonably have expected its acts to have consequences in the State of New York.

16. That at all times hereinafter mentioned, the defendant, BUMBLE BEE, derived substantial revenue from interstate or international commerce.

17. That at all times hereinafter mentioned, the defendant, BUMBLE BEE, was engaged in the business of purchasing, processing, packaging, marketing and selling tuna fish.

18. That approximately from January 2006 through October 2008, the plaintiff, LEE PORRAZZO, purchased and consumed the defendant, BUMBLE BEE's tuna fish which was processed, packaged, marketed and sold by the defendant, BUMBLE BEE, for general consumption by the public.

19. That, upon the distribution and/or sale of Bumble Bee tuna fish, the defendant, BUMBLE BEE, expressly and/or impliedly warranted to all intended consumers, including the plaintiff, LEE PORRAZZO, that said merchandise and all its contents were of merchantable quality, non-poisonous and fit for human consumption, the purpose for which its tuna fish was processed, packaged, sold and distributed.

20. That approximately from January 2006 to October 2008, the plaintiff, LEE PORRAZZO, purchased and then consumed Bumble Bee tuna fish in accordance with packaging instructions, which tuna fish was purchased, processed, packaged, marketed, sold and distributed by the defendant, BUMBLE BEE.

21. That the aforesaid product, known as Bumble Bee tuna fish, was inherently dangerous in that it had a high level of mercury and by its manufacture, was unsafe, inadequate and unfit for human consumption, the purpose for which it was manufactured, sold and distributed by the defendant, BUMBLE BEE; that the defendant, BUMBLE BEE, by its agents, servants and/or employees were careless, reckless and negligent in the manufacture of said product and failed to use due care in the purchasing, processing, packaging,

marketing, selling and testing thereof; that the dangers of mercury poisoning inherent in the consumption of said Bumble Bee tuna fish product was not open and obvious and could not be ascertained or known to the plaintiff, LEE PORRAZZO, either by visual inspection or by the execution of preliminary testing; and the defendant, BUMBLE BEE, carelessly, recklessly and negligently failed to warn the general public and specifically, the plaintiff, LEE PORRAZZO, of its aforementioned product's inherent, latent danger of poisonously high levels of mercury contained within it.

22. That the foregoing express and/or implied warranties of the defendant, BUMBLE BEE, that its tuna was fit for human consumption, heart healthy and non-poisonous were untrue.

23. That as a result of the improper purchasing, processing, packaging, marketing, selling, manufacture and distribution of tuna fish containing poisonously high levels of mercury by the defendant, BUMBLE BEE, and by the breach of the express and/or implied warranty of merchantability and fitness for human consumption given by the defendant, BUMBLE BEE, the plaintiff was caused to sustain serious personal injuries and incur economic expense through no fault of his own.

24. That the defendant, BUMBLE BEE's conduct of marketing and selling it's tuna fish product containing dangerously high levels of mercury without warning to the general public and/or to the plaintiff, was wilful, wanton, reckless, malicious and/or exhibited a gross indifference to and a callous disregard for human life, safety and the rights of others, and more particularly, the rights, life and safety of the plaintiff, LEE PORRAZZO; and the defendant was motivated by consideration of profit, financial advantage, monetary gain, economic aggrandizement and or cost avoidance, to the virtual exclusion of all other considerations.

25. That by reason of the foregoing, the plaintiff was rendered sick, sore, lame, psychologically distraught, disabled and experienced loss of enjoyment of life and was caused to and did seek medical treatment.

26. That due to the defendant, BUMBLE BEE's breach of its express and/or implied warranty of merchantability, the plaintiff, LEE PORRAZZO, is entitled to compensatory and punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION

AS AGAINST THE DEFENDANT THE STOP & SHOP SUPERMARKET COMPANY, LLC

27. The plaintiff, LEE PORRAZZO, incorporates all of the preceding paragraphs by reference.

28. The defendant, STOP & SHOP, at all times hereinafter mentioned, was and still is a limited liability corporation doing business in the County of Westchester, State of New York.

29. That at all times hereinafter mentioned, the defendant, STOP & SHOP, transacted business within the State of New York.

30. That at all times hereinafter mentioned, the defendant, STOP & SHOP, derived substantial revenue from goods used or consumed or services rendered in the State of New York.

31. That at all times hereinafter mentioned, the defendant, STOP & SHOP, expected or should reasonably have expected its acts to have consequences in the State of New York.

32. That at all times hereinafter mentioned, the defendant, STOP & SHOP, derived substantial revenue from interstate or international commerce.

33. That at all times hereinafter mentioned, the defendant, STOP & SHOP, was engaged in the business of purchasing and selling tuna fish to the general public.

34. That approximately from January 2006 through October 2008, the plaintiff, LEE PORRAZZO, purchased from the defendant, STOP & SHOP, Bumble Bee tuna fish which product was processed, packaged, marketed and/or sold to the defendant, STOP & SHOP, by the defendant, BUMBLE BEE, for general consumption by the public.

35. That, upon the distribution and/or sale of Bumble Bee tuna fish, the

defendant, STOP & SHOP, expressly and/or impliedly warranted to all intended users, including the plaintiff, LEE PORRAZZO, that said merchandise and all its contents were of merchantable quality, free from poisonously high levels of mercury and fit for human consumption, the purpose for which it was processed, packaged, sold and distributed.

36. That approximately from January 2006 to October 2008, the plaintiff, LEE PORRAZZO, purchased from the defendant, STOP & SHOP, and then consumed the foregoing Bumble Bee tuna fish in accordance with its packaging instructions.

37. That the aforesaid product, known as Bumble Bee tuna fish, was inherently dangerous in that it had a poisonously high level of mercury contained within it and by its manufacture, was unsafe, inadequate and unfit for human consumption, the purpose for which it was sold and distributed by the defendant, STOP & SHOP; that the defendant, STOP & SHOP, by its agents, servants and/or employees were careless, reckless and negligent in the selling of said product and failed to use due care in the purchasing, processing, packaging, selling and testing thereof; that the dangers of mercury poisoning inherent in the consumption of said Bumble Bee tuna fish product was not open and obvious and could not be ascertained or known to the plaintiff, LEE PORRAZZO, either by visual inspection or by the execution of preliminary testing and the defendant, STOP & SHOP, carelessly, recklessly and negligently failed to warn the general public and specifically, the plaintiff, LEE PORRAZZO, of its aforementioned product's inherent, latent danger of poisonously high levels of mercury contained within it.

38. That the express and/or implied warranties of the defendant, STOP & SHOP, that the bumble Bee tuna fish which it sold was fit for human consumption, heart healthy and non-poisonous were untrue.

39. That as a result of the improper purchasing, processing, packaging, marketing, selling, manufacture and/or distribution of tuna fish containing poisonously high levels of mercury by the defendant, STOP & SHOP, and by the breach of express and/or implied warranty of merchantability and fitness for consumption given by the defendant, STOP & SHOP, the plaintiff was caused to sustain serious personal injuries, through no fault of his own.

40. That the defendant, STOP & SHOP's conduct of selling Bumble Bee tuna fish containing dangerously high levels of mercury without warning the general public or the

plaintiff of same was wilful, wanton, reckless, malicious and/or exhibited a gross indifference to and a callous disregard for human life, safety and the rights of others, and more particularly, the rights, life and safety of the plaintiff, LEE PORRAZZO; and the defendant was motivated by consideration of profit, financial advantage, monetary gain, economic aggrandizement and or cost avoidance, to the virtual exclusion of all other considerations.

41. That by reason of the foregoing, the plaintiff was rendered sick, sore, lame, psychologically distraught, disabled and experienced loss of enjoyment of life and was caused to and did seek medical treatment.

42. That due to the defendant, STOP & SHOP's foregoing breach of its express and/or implied warranty of merchantability, the plaintiff, LEE PORRAZZO, is entitled to compensatory and punitive damages.

AS AND FOR A THIRD CAUSE OF ACTION AS AGAINST ALL DEFENDANTS

43. The plaintiff, LEE PORRAZZO, incorporates all of the preceding paragraphs by reference.

44. That as a result of the negligence, carelessness and recklessness of the defendants, BUMBLE BEE and STOP & SHOP, in their manufacture, sale, marketing and distribution of Bumble Bee tuna fish, containing poisonously high levels of mercury, the plaintiff, LEE PORRAZZO, was rendered sick, sore, lame, psychologically distraught, disabled and experienced loss of enjoyment of life and was caused to and did seek medical treatment.

45. That the defendants' conduct of marketing and selling Bumble Bee tuna fish was wilful, wanton, reckless, malicious and/or exhibited a gross indifference to, and a callous disregard for human life, safety and the rights of others, and more particularly, the rights, life and safety of the plaintiff, LEE PORRAZZO; and was motivated by consideration of profit, financial advantage, monetary gain, economic aggrandizement and/or cost avoidance, to the virtual exclusion of all other considerations.

46. That due to the defendants' negligence, carelessness and recklessness, the plaintiff, LEE PORRAZZO, is entitled to both compensatory damages and punitive damages.

AS AND FOR A FOURTH CAUSE OF ACTION AS AGAINST ALL DEFENDANTS

47. The plaintiff, LEE PORRAZZO, incorporates all of the preceding paragraphs by reference.

48. That the defendants, BUMBLE BEE and STOP & SHOP, are strictly liable to the plaintiff without regard to negligence by virtue of placing the aforesaid Bumble Bee tuna fish into the stream of commerce and which product was unfit for human consumption and the uses and purposes for which it was intended to be used and was so used by the plaintiff, LEE PORRAZZO.

49. That the plaintiff, LEE PORRAZZO's injuries and resulting damages were caused by the latent, defective, dangerous condition of poisonously high levels of mercury contained in the aforesaid Bumble Bee tuna fish which the defendants placed into the stream of commerce.

50. That as a result of the foregoing, the plaintiff, LEE PORRAZZO, is entitled to both compensatory and punitive damages.

AS AND FOR A FIFTH CAUSE OF ACTION

51. The plaintiff, LEE PORRAZZO, incorporates all of the preceding paragraphs by reference.

52. That by manufacturing, selling, processing, marketing and packaging canned tuna fish adulterated with poisonously high levels of mercury, the defendants violated New York State Agriculture and Markets Law Sections 199-a (1), 200 (1), 200 (2), 200 (3), 200 (5), 200 (9) and 200 (11).

53. That by reason of the foregoing the plaintiff has been financially, physically and emotionally damaged and now seeks compensatory and punitive damages therefore.

AS AND FOR A SIXTH CAUSE OF ACTION

54. The plaintiff, LEE PORRAZZO, incorporates all of the preceding paragraphs by reference.

55. That by manufacturing, selling, processing, marketing and packaging canned tuna fish adulterated with poisonously high levels of mercury without giving any notice or warning to the plaintiff that such poisonously high levels of mercury existed in their product, the defendants misled the plaintiff into believing that their canned tuna fish product was safe and fit for human consumption and without any deleterious health side effects and thereby the defendants violated New York State Agriculture and Markets Law Sections 199-a(1), 201 (1) and 201 (8) (b).

56. That by reason of the foregoing the plaintiff has been physically, emotionally and financially damaged and now seeks compensatory and punitive damages therefore.

AS AND FOR A SEVENTH CAUSE OF ACTION

57. That plaintiff, LEE PORRAZZO, incorporates all of the preceding paragraphs by reference.

58. That by promoting their product, namely, Bumble Bee tuna fish, as being "heart healthy," containing high quality protein, vitamins, minerals and Omega-3 fatty acids as well as being low in saturated fats and carbohydrates, without giving notice or warning to the plaintiff that their canned tuna fish product contained poisonously high levels of mercury, the defendants engaged in deceptive acts and practices all in violation of New York State General Business Law Section 349 (a) for which New York State General Business Law Section 349 (h) provides a remedy.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff, LEE PORRAZZO, demands: 1) Trial by Jury, 2) On the First Cause of Action, Judgment against Defendant BUMBLE BEE FOODS, LLC for compensatory damages and punitive damages, 3) On the Second Cause of Action, Judgment against Defendant STOP & SHOP SUPERMARKET COMPANY, LLC for compensatory damages and punitive damages, 4) On the Third Cause of Action, Judgment against both Defendants for compensatory damages and punitive damages, 5) On the Fourth Cause of Action, Judgment against both Defendants for compensatory damages and punitive damages, 6) On the Fifth Cause of Action, Judgment against both Defendants for compensatory damages and punitive damages, 7) On the Sixth Cause of Action, Judgment against both Defendants for compensatory damages and punitive damages, 8) On the Seventh Cause of Action, Judgment against both Defendants for compensatory damages and punitive damages, 9) Court Costs and 10) Such additional relief in favor of Plaintiff as is just and proper.

Respectfully submitted,

KILLERLANE LAW OFFICES  
*Christina M. Killerlane*  
By Christina M. Killerlane, Esq. (CMK 2539)  
Attorneys for Plaintiff  
LEE PORRAZZO  
175 Main Street, Suite 606  
White Plains, New York 10601  
(914) 948-9500

## **EXHIBIT "A"**



STOP & SHOP #501  
WHITE PLAINS, NY  
914-997-0715  
WWW.STOPANDSHOP.COM

EZ SHOPPER #1 5:22pm 5/27/08  
Tran 44725 Terminal 1 Cashier 00431  
Customer Card Number 1200716967  
→ BB SOLID WH TUNA 6.59 \*  
1 @ 4 for \$3.00  
DANNON YGRT RSPB 0.75 \*  
1 @ 4 for \$3.00  
DANNON YGRT STRW 0.75 \*  
1 @ 4 for \$3.00  
DANNON YGRT STRW 0.75 \*  
1 @ 4 for \$3.00  
DANNON YGRT STRW 0.75 \*  
FRE 7 GRN BRD 3.79 \*  
1 @ 2 for \$5.00  
S&S ARUGULA SALA 2.50 \*  
1 @ 2 for \$5.00  
S&S BOSTON SALAD 2.50 \*  
1 @ 2 for \$5.00  
SB SPRING MIX 2.50 \*  
1 @ 2 for \$5.00  
S&S BOSTON SALAD 2.50 \*  
STPLGHT PEPPER 3 4.99 \*  
T01 0.65 LB @ \$0.99/ 1LB  
YAM GOLDEN 0.64 \*  
T01 4.25 LB @ \$0.69/ 1LB  
CUT SDLS MELON 2.93 \*  
T01 4.25 LB @ \$0.39/ 1LB

Stop & Shop Card Savings	\$1.27 *
Price with your card	1.66
2 @ 3 for \$2.00	
LEMON JUMBO	1.34 *
T01 2.11 LB @	\$1.79/ 1LB
BROCCOLI BUNCH	3.78 *
Total	\$35.79
Debit Card	\$35.79
Total before savings	\$37.06
Your Total Savings	\$1.27
Total after savings	\$35.79
Total	\$35.79
Change	\$0.00

**YOUR SAVINGS SUMMARY**

Stop & Shop Card Savings \$1.27  
Total Stop & Shop Card Saving \$1.27  
YOUR TOTAL SAVINGS \$1.27  
\*\*\*YEAR-TO-DATE SAVINGS\*\*\* \$94.86  
\*\*\*\*\*

THANK YOU FOR SHOPPING AT STOP & SHOP.  
WE'VE ENJOYED SERVING YOU, AND WE  
LOOK FORWARD TO SERVING ALL YOUR  
FUTURE SHOPPING NEEDS.

STORE MGR. Brian King 914-997-0715

STOP & SHOP #501

\*\*\*\*\*PAID\*\*\*\*\*



STOP & SHOP #501  
WHITE PLAINS, NY  
914-997-0715  
WWW.STOPANDSHOP.COM

EZ SHOPPER #5 3:23PM 5/18/08

Tran 91499 Terminal 6 Cashier 00436

Customer Card Number 1200716967

SB CRAN JCE 2.69 \*T

Stop & Shop Card Savings -0.69 \*T

Price with your card 2.00

SB CRAN JCE 2.69 \*T

Stop & Shop Card Savings -0.69 \*T

Price with your card 2.00

SB CRAN JCE 2.69 \*T

Stop & Shop Card Savings -0.69 \*T

Price with your card 2.00

SB CRAN-RASP JC 2.69 \*T

Stop & Shop Card Savings -0.69 \*T

Price with your card 2.00

WALNUT MEATS 162 6.99 \*

NP TS CHX CUTLET 6.10 \*

NP TS CHX CUTLET 6.48 \*

1 @ 2 for \$5.00

SB SPRING MIX 2.50 \*

T01 1.06 LB @ \$2.79/ 1LB

TOMATO ON VINE 2.96 \*

T01 1.52 LB @ \$1.29/ 1LB

BROCCOLI BUNCH 1.96 \*

POM BLUEBERRY JU 3.99 \*

SHOUT LQ STAIN 2.79 T

ORG GRAPE,TOMATO 2.99 \*

H&S OCEAN LIFT 6.99

1 @ 3 for \$5.00

X BB SLD WHI TUNA 1.67 \*

1 @ 3 for \$5.00

X BB SLD WHI 1.67 \*

PALM DSH LQ MNT 2.79 T

Stop & Shop Card Savings -0.29 T

Price with your card 2.50

ENG MATH/CALC 3.99 T

1 @ 2 for \$6.00

CAP SN PACIF 10P 3.00 \*T

Stop & Shop Card Savings -0.50 \*T

Price with your card 2.50

Total \$65.64

Debit Card \$65.64

Total before savings \$67.63

Your Total Savings \$3.55

Total after savings \$64.08

Tax paid \$1.56

Total \$65.64

Change \$0.00

#### YOUR SAVINGS SUMMARY

Stop & Shop Card Savings \$3.55

Total Stop & Shop Card Savings \$3.55

YOUR TOTAL SAVINGS \$3.55

\*\*\*YEAR-TO-DATE SAVINGS\*\*\* \$90.59

\*\*\*\*\*

THANK YOU FOR SHOPPING AT STOP & SHOP.  
WE'VE ENJOYED SERVING YOU, AND WE  
LOOK FORWARD TO SERVING ALL YOUR  
FUTURE SHOPPING NEEDS.

STORE MGR. Brian King 914-997-0715

STOP & SHOP #501



STOP & SHOP #501  
WHITE PLAINS, NY  
914-997-0715  
[WWW.STOPANDSHOP.COM](http://WWW.STOPANDSHOP.COM)

EZ SHOPPER #5 3:05pm 5/13/08  
 Tran 33938 Terminal 5 Cashier 00435  
 Customer Card Number 1200716967  
 GE REVEAL GLOBE 3.29 T  
 GE REVEAL GLOBE 3.29 T  
 → BB SLD WHT TUNA 1.67 \*  
 → BB SLD WHT TUNA .  
 → BB SLD WHT TUNA 1.67 \*  
 → KIWI.OVL ATH LCE 1.49 T  
 Total \$11.99  
 Cash \$20.00  
 Subtotal \$11.41  
 Tax Paid \$0.58  
 Total \$11.99  
 Change \$8.01

THANK YOU FOR SHOPPING AT STOP & SHOP.  
WE'VE ENJOYED SERVING YOU, AND WE  
LOOK FORWARD TO SERVING ALL YOUR  
FUTURE SHOPPING NEEDS.

STORE MGR: Brian King 914-997-0715

STOP & SHOP #501

EZ SHOPPER #5 6:32pm 2/17/08

Trans 09630 Terminal 5 Cashier 00425

Customer Card Number 1200716987

COKE CLASIC 12PK 4.99 \*T

Stop & Shop Card Savings -1.32 \*T

Price with your card 3.67

BOTTLE DEPOSIT 0.60 \*

SPIRITE 12 PK CAN 4.99 \*T

Stop & Shop Card Savings -1.32 \*T

Price with your card 3.67

BOTTLE DEPOSIT 0.60 \*

KELLOG RICE KRISP 3.99 \*

1 @ 3 for \$5.00

BB SLD WHT TUNA 1.67 \*

1 @ 3 for \$5.00

BB SLD WHT TUNA 1.67 \*

1 @ 3 for \$5.00

BB SLD WHT TUNA 1.66 \*

SB 2% MILK 2.14 \*

1 @ 2 for \$5.00

S&S ARUGULA SALAD 2.50 \*\*\*

HRSY REESE EGGS 2.99 \*T

Stop & Shop Card Savings -0.99 \*T

Price with your card 2.00

SS PREM ENG MUF 1.69 \*

PERD TS RST BRST 4.83 \*

Stop & Shop Card Savings -0.62 \*

Price with your card 4.21

1 @ 2 for \$5.00

S&S BOSTON SALAD 2.50 \*

DOLE MAN ORANGE 2.69 \*

Stop & Shop Card Savings -0.30 \*

Price with your card 2.39

DOLE MAN ORANGE 2.69 \*

Stop & Shop Card Savings -0.30 \*

Price with your card 2.39

EDS MAYO 6 OZ 6.79 \*

Stop & Shop Card Savings -0.29 \*

DOLE MANGO 1.50 \*



STOP & SHOP #501  
WHITE PLAINS, NY  
914-997-0715  
WWW.STOPANDSHOP.COM

Welcome I'm NADINE 7:31pm 2/04/08  
Tran 35929 Terminal 16 Cashier 00191

Customer Card Number 1200716967

COMMERCIAL BAKERY	
ARN SELECT SES R	2.89 *
S&S ENG MUFFINS	0.99 *
DAIRY	
I CNT BELNOT BTR	1.79 *
LARGE WHITE EGGS	2.29 *
SB 2% MILK	2.14 *
SB VITAMIN-D MIL	1.11 *
SORR RICOTTA 15Z	2.99 *
FOOD BAZAAR	
CATHEDRAL BRIE	7.97 *
0.56 LB @ \$6.99/ 1LB	
DELI OLVE BAR	3.91 *
FROZEN FOODS	
EDY'S VRTY FR BR	3.79 *
GROCERY	
1 @ 3 for \$5.00	
B-BEE TUNA WTR	1.67 *
Stop & Shop Card Savings -0.67 *	
Price with your card 1.00	
1 @ 3 for \$5.00	
B-BEE TUNA WTR	1.67 *
Stop & Shop Card Savings -0.67 *	
Price with your card 1.00	
1 @ 3 for \$5.00	
B-BEE TUNA WTR	1.66 *
Stop & Shop Card Savings -0.66 *	
Price with your card 1.00	
1 @ 10 for \$10.00	
DLMT CREAM CORN	1.00 *
1 @ 10 for \$10.00	
DLMT WH KRN CORN	1.00 *
1 @ 10 for \$10.00	
DLMT WH KRN CORN	1.00 *
1 @ 10 for \$10.00	
DLMT WH KRN CORN	1.00 *
HLMN BG SDZ MAYO	3.69 *
KLG RICE KRISPIE	3.59 *
Stop & Shop Card Savings -0.59 *	
Price with your card 3.00	
SCTSCBRT SPNGE	3.19 T
PRODUCE	
1 @ 2 for \$5.00	
S&S ARUGULA SALA	2.50 *
1 @ 2 for \$5.00	
S&S BOSTON SALAD	2.50 *
TO1 0.86 LB @ \$3.49/ 1LB	
TOMATO ON VINE	3.00 *
Total before savings \$57.34	
Your Total Savings \$2.59	
Total after savings \$54.75	
Tax paid \$0.25	
Total \$55.00	
Debit Id \$55.00	
Change \$0.00	

#### YOUR SAVINGS SUMMARY

Stop & Shop Card Savings \$2.59  
Total Stop & Shop Card Saving \$2.59  
YOUR TOTAL SAVINGS \$2.59

\*\*\*YEAR-TO-DATE SAVINGS\*\*\* \$14.82

THANK YOU FOR SHOPPING AT STOP & SHOP.  
WE'VE ENJOYED SERVING YOU, AND WE  
LOOK FORWARD TO SERVING ALL YOUR  
FUTURE SHOPPING NEEDS.

STORE MGR. JOHN ENCKE 914-997-0715

STOP & SHOP #501



**Stop&Shop®**

STOP & SHOP #501

WHITE PLAINS, NY

914-997-0715

WWW.STOPANDSHOP.COM

EZ SHOPPER #5	8:33pm	8/20/08
Tran 19990 Terminal	6	Cashier 00436
Customer Card Number	1200716967	
S&S ARUGULA SALA	2.88 *	
Stop & Shop Card Savings	-0.88 *	
Price with your card	2.00	
S&S ARUGULA SALA	2.88 *	
Stop & Shop Card Savings	-0.88 *	
Price with your card	2.00	
BH IMP SWSS CHSE	4.75 *	
BH OVGLD RST TKY	5.34 *	
1 @ 2 for \$3.00		
HUNT 4PK CHOC	1.50 *	
Stop & Shop Card Savings	-0.25 *	
Price with your card	1.25	
1 @ 3 for \$5.00		
→ B-BEE TUNA WTR	1.67 *	
Stop & Shop Card Savings	-0.67 *	
Price with your card	1.00	
1 @ 3 for \$5.00		
→ B-BEE TUNA WTR	1.67 *	
Stop & Shop Card Savings	-0.67 *	
Price with your card	1.00	
1 @ 3 for \$5.00		
→ B-BEE TUNA WTR	1.66 *	
Stop & Shop Card Savings	-0.66 *	
Price with your card	1.00	
1 @ 3 for \$5.00		
→ BB SLD WHT TUNA	1.67 *	
Stop & Shop Card Savings	-0.67 *	
Price with your card	1.00	
1 @ 3 for \$5.00		
→ BB SLD WHT TUNA	1.67 *	
Stop & Shop Card Savings	-0.67 *	
Price with your card	1.00	
1 @ 3 for \$5.00		
→ BB SLD WHT TUNA	1.66 *	
Stop & Shop Card Savings	-0.66 *	
Price with your card	1.00	
1 @ 3 for \$5.00		
→ B-BEE TUNA WTR	1.67 *	
Stop & Shop Card Savings	-0.67 *	
Price with your card	1.00	
1 @ 3 for \$5.00		
→ B-BEE TUNA WTR	1.67 *	
Stop & Shop Card Savings	-0.67 *	
Price with your card	1.00	
1 @ 3 for \$5.00		
→ BB SLD WHT TUNA	1.67 *	
Stop & Shop Card Savings	-0.67 *	
Price with your card	1.00	
1 @ 3 for \$5.00		
DEL MONTE BEANS	1.34 *	
1 @ 3 for \$4.00		
DLMT CREAM-CORN	1.33 *	
1 @ 3 for \$4.00		
DLMT MED-Peas	1.33 *	

1 @ 3 for \$4.00	
DM SWT PEAS NS	1.34 *
1 @ 3 for \$4.00	
DM SWT PEAS NS	1.33 *
1 @ 3 for \$4.00	
DLMT WH KRN CORN	1.33 *
1 @ 3 for \$4.00	
DEL MONTE BEANS	1.34 *
1 @ 3 for \$4.00	
DLMT WH KRN CORN	1.33 *
1 @ 3 for \$4.00	
DEL MONTE BEANS	1.33 *
NP TS CHX CUTLET	5.85 *
SHOUT LQ STAIN	2.79 T
V8 LOU SOD VEG	4.19 *
MI CASA CHAMP	0.99 *T
BOTTLE DEPOSIT	0.05 *
T01 0.58 LB @ \$1.99/ 1LB	
VINE RIPE TOMATO	1.15 *
T01 2.42 LB @ \$0.99/ 1LB	
YAM GOLDEN	2.40 *
1 @ 2 For \$3.00	
BLACK AVOCADO	1.50 *
T01 1.15 LB @ \$0.64/ 1LB	
BANANAS	0.74 *
Total	\$57.31
Debit Card	\$57.31
Total before savings	\$65.68
Your Total Savings	\$8.68
Total after savings	\$57.00
Tax paid	\$0.31
Total	\$57.31
Change	\$0.00

**YOUR SAVINGS SUMMARY**  
 Stop & Shop Card Savings \$8.68  
 Total Stop & Shop Card Savings \$8.68  
 YOUR TOTAL SAVINGS \$8.68  
 \*\*\*YEAR-TO-DATE SAVINGS\*\*\* \$142.20  
 \*\*\*\*

**\*\*\*\*CARD REWARDS\*\*\*\***  
 ID: 1200716967  
 MILK REWARDS

Points Earned during this visit 0  
 Current Total for this Program 3

\*\*\*\*\*

THANK YOU FOR SHOPPING AT STOP & SHOP.  
 WE'VE ENJOYED SERVING YOU, AND WE  
 LOOK FORWARD TO SERVING ALL YOUR  
 FUTURE SHOPPING NEEDS.

STORE MGR. Brian King 914-997-0715

STOP & SHOP #501

\*\*\*\*\*PAID\*\*\*\*\*

**EXHIBIT "B"**

**The Westchester Medical Group**  
 210 Westchester Ave.  
 210 Westchester Avenue  
 White Plains, NY 10604  
 (914) 682-0700 Fax: (914) 457-1400

March 13, 2009

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 Chart Document

LEE PORRAZZO	Home: (914)804-4938 Office: (914)286-5817
Male DOB:03/10/1962	101633 Ins: HEALTHNE (HEALTHNET)

**04/17/2006 - Office Visit: Office visit**

**Provider: Alan Jaffe, MD**

**Location of Care: Gastroenterology**

Allergies: Allergies have not been documented for this patient

**Vital Signs**

Entered weight: 209 lb.

Calculated Weight: 209 lb. (95.00 kg.) Pulse rate: 78

Pulse rhythm: regular

O2 Sat rest 99

Blood Pressure: 110/75 mm Hg

Laura Holmes April 17, 2006 5:02 PM

**History of Present Illness:**

**Additional HPI:** Not feeling well for a few weeks. Aware of SOB at times with some exertion. Some left anterior CP on and off, not related to exertion. Very stressed. Seen in ER Fri.night-- bloods and EKG were negative and he was sent home. His CP is usually present at rest.

**Current Problems:** CHEST PAIN (ICD-786.50)

KNEE PAIN (ICD-719.46)

IRRITABLE BOWEL SYNDROME (ICD-564.1)

ERUPTION (ICD-787.3)

HYPERLIPIDEMIA (ICD-272.4)

VIRAL INFECTION (ICD-079.99)

CONTUSION, ELBOW (ICD-923.11)

DERANGEMENT, SHOULDER (ICD-718.91)

SHOULDER STRAIN (ICD-840.9)

SHOULDER PAIN (ICD-719.41)

HERPES ZOSTER (ICD-053.9)

**Current Medications:** AVELOX 400 MG TABS (MOXIFLOXACIN HCL) 1 qd

HYCODAN 5-1.5 MG/5ML SYRP (HYDROCODONE-HOMATROPINE) 1 tsp QID prn

VICODIN 5-500 MG TAB (ACETAMINOPHEN-HYDROCODONE) 1-2 tabs every 4 hours as necessary for pain

VOLTAREN 75 MG EC TAB (DICLOFENAC SODIUM) one bid pc

ANALPRAM-HC 1-2.5 % CREA (HYDROCORTISONE ACE-PRAMOXINE) apply bid prn

FAMVIR 500 MG TABS (FAMCICLOVIR) 1 tid

**Allergies not determined**

**Past History (reviewed - no changes required):** none

NKA

## **EXHIBIT "C"**

**The Westchester Medical Group**

210 Westchester Ave.  
 210 Westchester Avenue  
 White Plains, NY 10604  
 (914) 682-0700 Fax: (914) 457-1400

March 13, 2009

Page 1  
 Chart Document

LEE PORRAZZO

Male DOB: 03/10/1962

Home: (914)804-4938 Office: (914)286-5817

101633

Ins: HEALTHNET (HEALTHNET)

10/01/2008 - Lab Report: Complete Blood Count w/ Diff, Comprehensive Metabolic Panel, ...

Provider: Alan Jaffe, MD

Location of Care: WMG

Patient: LEE PORRAZZO

Note: All result statuses are Final unless otherwise noted.

Tests: (1) Complete Blood Count w/ Diff (cbc)

WBC	$4.2 \times 10^9/L$	4.0-12.0
HGB	15.5 g/dL	13.0-17.2
HCT	44.1 %	36.0-50.0
PLT	$140 \times 10^9/L$	140-440
NEU#	$2.10 \times 10^9/L$	1.80-7.00
LYMPH#	$1.50 \times 10^9/L$	1.00-4.00
MONOS#	$0.40 \times 10^9/L$	0.10-0.80
EOS#	$0.20 \times 10^9/L$	0.00-0.40
BASO#	$0.00 \times 10^9/L$	0.00-0.36
NEU%	50.2 %	50.0-75.0
LYMPHS%	34.6 %	20.0-45.0
MONOS%	10.4 %	0.0-12.0
EOS%	3.9 %	0.0-5.0
BASO%	0.9 %	0.0-3.0
RBC	$4.87 \times 10^{12}/L$	4.00-5.60
MCV	90.6 fL	80.0-98.0
MCH	31.90 pg	23.00-34.60
MCHC	35.2 %	30.0-37.0
RDW	11.6 %	11.5-15.5

Tests: (2) Comprehensive Metabolic Panel (cmp)

Order Note: TESTING PERFORMED AT: QUEST DIAGNOSTICS, ONE MALCOLM AVENUE,  
 TETERBORO, NJ, 07608, LABORATORY DIRECTOR: WILLIAM E. TARR, M.D., CLIA ID#  
 31D0696246

ALBUMIN	4.8 G/DL	3.6-5.1
BILIRUBIN, TOTAL	0.6 MG/DL	0.2-1.2
CALCIUM	9.7 MG/DL	8.6-10.2
CARBON DIOXIDE	28 MMOL/L	21-33
CHLORIDE	105 MMOL/L	98-110
CREATININE	1.18 MG/DL	0.50-1.30
GLUCOSE	91 MG/DL	65-139

THE GLUCOSE REFERENCE RANGE IS BASED ON A NON-FASTING STATE.

ALKALINE PHOSPHATASE	46 U/L	40-115
POTASSIUM	4.6 MMOL/L	3.5-5.3
PROTEIN, TOTAL	7.4 G/DL	6.2-8.3
SODIUM	141 MMOL/L	135-146
ALT	40 U/L	9-60
AST	21 U/L	10-40
UREA NITROGEN	19 MG/DL	7-25
EGFR NON AFR AMERICAN	>60	>=60

UNITS: ML/MIN/1.73M2

BUN/CREATININE RATIO NOTE 6-22

BUN/CREATININE RATIO IS NOT REPORTED WHEN THE BUN AND

**The Westchester Medical Group**

210 Westchester Ave.  
 210 Westchester Avenue  
 White Plains, NY 10604  
 (914) 682-0700 Fax: (914) 457-1400

March 13, 2009

Page 2  
 Chart Document

**LEE PORRAZZO**

Male DOB:03/10/1962

Home: (914)804-4938 Office: (914)286-5817

Ins: HEALTHNE (HEALTHNET)

101633

CREATININE VALUES ARE WITHIN NORMAL LIMITS.

GLOBULIN, CALCULATED	2.6 G/DL	2.1-3.7
A/G RATIO	1.8	1.0-2.1
! EGFR AFRICAN AMERICAN	>60	>=60

UNITS: ML/MIN/1.73M2

Tests: (3) Coronary Risk Profile (corisk)

Order Note: TESTING PERFORMED AT: QUEST DIAGNOSTICS, ONE MALCOLM AVENUE,  
 TETERBORO, NJ, 07608, LABORATORY DIRECTOR: WILLIAM E. TARR, M.D., CLIA ID#  
 31D0696246

TRIGLYCERIDES	[H]	403 MG/DL	<150
CHOLESTEROL, TOTAL	[H]	238 MG/DL	125-200
HDL CHOLESTEROL	[L]	39 MG/DL	>=40
LDL CHOL, CALCULATED	-	MG/DL	<130

DESIRABLE RANGE IS <100 MG/DL FOR PATIENTS WITH CORONARY  
 HEART DISEASE (CHD) OR DIABETES, AND <70 MG/DL FOR DIABETIC  
 PATIENTS WITH KNOWN CHD.

LDL IS NOT CALCULATED WHEN TRIGLYCERIDES ARE  
 >400 MG/DL. A DIRECT MEASURE OF LDL  
 CHOLESTEROL MAY BE ORDERED ON THIS SPECIMEN  
 BY CALLING QUEST DIAGNOSTICS INCORPORATED  
 CLIENT SERVICE DEPARTMENT AT 1-800-631-1390  
 WITHIN THE NEXT FIVE DAYS.

CHOLESTEROL/HDL RATIO

[H] 6.1 &lt; = 5.0

Tests: (4) Magnesium (mg)

Order Note: TESTING PERFORMED AT: QUEST DIAGNOSTICS, ONE MALCOLM AVENUE,  
 TETERBORO, NJ, 07608, LABORATORY DIRECTOR: WILLIAM E. TARR, M.D., CLIA ID#  
 31D0696246

MAGNESIUM 1.8 MG/DL 1.5-2.5

Tests: (5) Mercury,blood (56853P)

Order Note: TESTING PERFORMED AT: QUEST DIAGNOSTICS NICHOLS CHANTILLY, 14225  
 NEWBROOK DRIVE P.O. BOX 10841, CHANTILLY, VA, 20153, LABORATORY DIRECTOR:  
 NATHAN SHERMAN, M.D., CLIA ID# 49D0221801

! Mercury,B	-	
! MERCURY,BLOOD	[H]	23 MCG/L

&lt;=10

ASSAY WAS REPEATED AND VERIFIED.

THIS TEST WAS PERFORMED AT:  
 QUEST DIAGNOSTICS NICHOLS INSTITUTE CHANTILLY  
 14225 NEWBROOK DRIVE  
 P.O. BOX 10841  
 CHANTILLY, VA 20153

Patient Note: Items in this order include: Complete Blood Count w/ Diff,  
 Comprehensive Metabolic Panel, Coronary Risk Profile, Magnesium, Specimen  
 handling[i], Venipuncture[i], Mercury,blood

**EXHIBIT "D"**

SUBJECT: CERTIFICATION OF NEW YORK STATE OFFICE OF OCCUPATIONAL HEALTH RECORDS  
FOR THE BELOW REFERENCED INDIVIDUAL

INDIVIDUAL: LEE PORRAZZO

To Whom It May Concern:

I, the undersigned Custodian of the Records at the office of New York State Office of Occupational Health Records, located at 547 River Street, Flanagan Square Bldg., Room 230, Troy, New York 12180, hereby certify that the attached records are true photocopies of the originals kept on file pertinent to the individual known as LEE PORRAZZO, referenced above, and I further certify that the foregoing statement made by me is true.

Kathy H. Geilberg  
Custodian of Records - Signature

Kathy H. Geilberg, Chief, Epidemiology & Surveillance Section System, NYSDOH  
Print Name and Title Here

Case #: 688058

MERCURY

Name: Porrazzo, Lee Survey Date: 10/06/08  
 Time 2:03 - 2:13

**A. BLOOD/URINE TEST**

A1. Our records indicate that you had a blood/urine test of 23 ng/mL for mercury on  
10/01/08 (date of test). Were you ever notified of the result?

1 Yes  
 2 No

8 Unknown  
 9 Refused

**A2. What was the reason for the test?**

1 Company/Workplace program  
 2 Union screening  
 3 Pre-employment physical  
 4 Environmental follow-up  
 5 Doctor's advice

Go to A4.  6 Own decision  
 Go to A4.  7 Other – Describe \_\_\_\_\_  
 Go to A4.  8 Unknown  
 Go to A4.  9 Refused

Go to A4.  
 Go to A4.

A3. Why did you go to the doctor originally?

flu ch-up - eat's tuna

**A4. Have you had any previous mercury testing in the last 5 years?**

1 Yes  
 2 No

8 Unknown  
 9 Refused

**A5. Do you have a doctor who follows your mercury levels?**

1 Yes – Company doctor  
 2 Yes – Clinic doctor type: \_\_\_\_\_  
 3 Yes – Private doctor

4 No  
 8 Unknown  
 9 Refused

**A6. Do you have another mercury test scheduled?**

1 Yes fd date  
 2 No Go to B1.

8 Unknown  
 9 Refused

Go to B1.  
 Go to B1.

A7. When is your next mercury test scheduled for? 10/06/08 (approximate date)

**B. OCCUPATIONAL HISTORY****B1. Are you currently employed, or have you been employed within the past year?**

1 Yes – Currently  
 2 Yes – Currently / self-employed  
 3 Yes – Previously

4 No - Retired  
 5 No  
 6 Refused

Go to C1.  
 Go to C1.  
 Go to C1.

**B2. Are you a member of a union?**

1 Yes Name: \_\_\_\_\_  
 2 No  
 9 Refused

Local: \_\_\_\_\_

Retail Auto Dealer

## CURRENT JOB

(where exposure occurred)

## PREVIOUS JOB

(within last year)

**B3. Company Name**

Address

Phone number

B M W  
 505 Tarrytown Rd.  
 White Plains, N.Y. 10607  
 914-284-5817

**B4. Worksite Location**

(if different than company location)

as above

**B5. Date start / stop (mm/yy)**

02/2006

**B6. Job Title**

Car Salesman

**B7. Please describe**

your job duties and any types of material or substances used on this job.

Sells car

**B8. Does your job involve:**

- 1 Manufacturing chlorine
- 2 Manufacturing/Repairing thermometers/barometers/thermostats
- 3 Manufacturing batteries
- 4 Manufacturing/Repairing fluorescent lights
- 5 Repairing medical equipment
- 6 Hazardous waste removal
- 7 Laboratory technician
- 8 Pharmaceutical manufacturer

- 1 Manufacturing chlorine
- 2 Manufacturing/Repairing thermometers/barometers/thermostats
- 3 Manufacturing batteries
- 4 Manufacturing/Repairing fluorescent lights
- 5 Repairing medical equipment
- 6 Hazardous waste removal
- 7 Laboratory technician
- 8 Pharmaceutical manufacturer

**B9. How many years have you worked around mercury? (If never, go to B32.)**

NEVER

**B10. How many other workers do/did the same type of work as you?**

Actual # given: \_\_\_\_\_

Actual # given: \_\_\_\_\_

**EDUCATION****B11. Has your employer ever trained you on the hazards of working with mercury?**

(self-employed: Have you ever received information about the hazards of working with mercury? Go to B14.)

- 1 Yes
- 2 No Go to B14.
- 8 Unknown Go to B14.
- 9 Refused Go to B14.

- 1 Yes
- 2 No Go to B14.
- 8 Unknown Go to B14.
- 9 Refused Go to B14.

**B12. How often does your employer provide this information?**

	CURRENT JOB	PREVIOUS JOB
B13. Is the information provided by someone that works for your employer?	1 Yes 2 No 8 Unknown 9 Refused	1 Yes 2 No 8 Unknown 9 Refused
<b>PERSONAL PROTECTION</b>	<b>CURRENT JOB</b>	<b>PREVIOUS JOB</b>
B14. Are/Were respirators made available for you to use? <i>(self-employed: Do you have a respirator?)</i>	1 Always 2 Sometimes 3 Never Go to B20. 8 Unknown Go to B20. 9 Refused Go to B20.	1 Always 2 Sometimes 3 Never Go to B20. 8 Unknown Go to B20. 9 Refused Go to B20.
B15. What type of respirator was provided? <i>(self-employed: What kind of respirator? Go to B17.)</i>	1 Dust mask 2 2 cartridge/half face 3 2 cartridge/full face 4 Other _____ 8 Unknown 9 Refused	1 Dust mask 2 2 cartridge/half face 3 2 cartridge/full face 4 Other _____ 8 Unknown 9 Refused
B16. Does/Did your employer ever require that you wear a respirator when working with mercury?	1 Always 2 Sometimes 3 Never 8 Unknown 9 Refused	1 Always 2 Sometimes 3 Never 8 Unknown 9 Refused
B17. When you're working around mercury, how often do you wear a respirator?	1 Always 2 Sometimes 3 Never 8 Unknown 9 Refused	1 Always 2 Sometimes 3 Never 8 Unknown 9 Refused
B18. Have you been fit-tested in the past year to wear your respirator?	1 Yes 2 No 8 Unknown 9 Refused	1 Yes 2 No 8 Unknown 9 Refused
B19. Was training provided for proper use, maintenance and storage of the respirator?	1 Yes 2 No 8 Unknown 9 Refused	1 Yes 2 No 8 Unknown 9 Refused
B20. Do you wear a protective uniform/clothing?	1 Always 2 Sometimes 3 Never 8 Unknown 9 Refused	1 Always 2 Sometimes 3 Never 8 Unknown 9 Refused
B21. Do you wear other protective equipment?	1 Yes 2 No Go to B23. 8 Unknown Go to B23. 9 Refused Go to B23.	1 Yes 2 No Go to B23. 8 Unknown Go to B23. 9 Refused Go to B23.
B22. Please describe what other protective equipment is used (prompt for shoes, gloves, hard hats, hearing protection, etc.)		

HYGIENE	CURRENT JOB	PREVIOUS JOB
B23. Are there wash facilities available at the worksite?	1 Yes 2 No Go to B25. 8 Unknown Go to B25. 9 Refused Go to B25.	1 Yes 2 No Go to B25. 8 Unknown Go to B25. 9 Refused Go to B25.
B24. Are showers available at the worksite?	1 Yes 2 No 8 Unknown 9 Refused	1 Yes 2 No 8 Unknown 9 Refused
B25. Do you shower regularly after your shift at work?	1 Yes 2 No 8 Unknown 9 Refused	1 Yes 2 No 8 Unknown 9 Refused
B26. Is there a clean break area provided?	1 Yes 2 No 8 Unknown 9 Refused	1 Yes 2 No 8 Unknown 9 Refused
B27. Do you ever eat/drink/snack/smoke in your work area?	1 Yes – Eat/snack 2 Yes – Drink 3 Yes – Smoke 4 No 8 Unknown 9 Refused	1 Yes – Eat/snack 2 Yes – Drink 3 Yes – Smoke 4 No 8 Unknown 9 Refused
B28. Does your employer launder your work clothes or provide you with disposable clothing?  (self-employed: Do you wash your clothes separate from your family's?)	1 Yes – Launder 2 Yes – Disposable 3 No 8 Unknown 9 Refused	1 Yes – Launder 2 Yes – Disposable 3 No 8 Unknown 9 Refused
B29. Do you wear your work clothes or shoes home?	1 Yes – Clothes 2 Yes – Shoes 3 Yes – Clothes & Shoes 4 No 8 Unknown 9 Refused	1 Yes – Clothes 2 Yes – Shoes 3 Yes – Clothes & Shoes 4 No 8 Unknown 9 Refused
B30. Do you feel you know how to work safely with mercury?	1 Yes 2 No 8 Unknown 9 Refused	
B31. In order to protect current and future employees and their families from mercury exposure hazards, the NYSDOH would like to contact your employer. Please be assured that you will not be identified in any manner during the conversation. Do you agree with the Health Department <i>contacting your employer?</i>	1 Yes <input checked="" type="checkbox"/> 2 No → Please explain why: _____	8 Unknown 9 Refused

B32. Do you currently smoke cigarettes?

1 Yes  
 2 No

**ENVIRONMENTAL HISTORY**

How long have you lived at your current permanent address? 3 years

If less than 6 months, ask for current and previous residence:

C2. What type of house do you live in?

- 1 Single family, townhouse, duplex, or 2-family
- 2 Mobile or modular home
- 3 Apartment or condominium
- 4 Other - Describe: \_\_\_\_\_
- 9 Refused

C3. Was there a spill containing mercury, including a broken thermometer, in your residence within the past year?

- 1 Yes Go to C6.
- 2 No Go to C6.
- 8 Unknown Go to C6.
- 9 Refused Go to C6.

C4. When did this spill occur? 1 (mm/yy)

C5. Who cleaned up the spill? \_\_\_\_\_

C6. Have you received an immunoglobulin shot from your health care provider recently?

- 1 Yes Go to C8.
- 2 No Go to C8.
- 8 Unknown Go to C8.
- 9 Refused Go to C8.

C7. When did you receive the shot? 1 (mm/yy)

C8. Have you received a vaccine from your health care provider recently?

- 1 Yes Go to C10.
- 2 No Go to C10.
- 8 Unknown Go to C10.
- 9 Refused Go to C10.

C9. When did you receive the vaccine? 1 (mm/dd/yy)

C10. Do you use any folk medicines?

- 1 Yes \_\_\_\_\_
- 2 No \_\_\_\_\_
- 8 Unknown
- 9 Refused

C11. How often were you eating fish or seafood in the two months before your test?

- 1 Never Go to D1.
- 2 Less than once/month
- 3 About once/month
- 4 Less than once/week
- 5 About once/week
- 6 Few times/week
- 7 Daily
- 9 Refused Go to D1.

C12. What type of fish did you usually eat? Tuna (canned) swordfish  
Salmon

C13. Where did the fish come from?

- 1 Grocery store/Restaurant Go to D1.
- 2 Caught \_\_\_\_\_
- 8 Unknown Go to D1.
- 9 Refused Go to D1.

**C14. Where was the fish caught?**

1 Ocean  
2 River/Stream  
3 Lake

8 Unknown  
9 Refused

name of location: \_\_\_\_\_

**D. DEMOGRAPHIC INFORMATION****D1. Are there any children younger than 7 years that have lived with or frequently visit you?**

1 Yes  
 2 No      Go to D3.

8 Unknown      Go to D3.  
9 Refused      Go to D3.

**D2. Child's Name**

Age

Ever Tested for Mercury?

Date &amp; Result

Yes    No    Unk    Ref \_\_\_\_\_

Yes    No    Unk    Ref \_\_\_\_\_

Yes    No    Unk    Ref \_\_\_\_\_

**D3. Is anyone in the house pregnant or nursing?**

1 Yes  
 2 No

8 Unknown  
9 Refused

**D4. Have you ever had a different last name? If YES: What was/were it/they?**No**D5. What is your racial background? (DO NOT READ CATEGORIES)**

<input checked="" type="radio"/> 1 White, not of Hispanic background	5 Asian or Pacific Islander
<input checked="" type="radio"/> 2 Black, not of Hispanic background	6 Other _____
<input checked="" type="radio"/> 3 Hispanic	8 Unknown _____
<input checked="" type="radio"/> 4 American Indian, Alaskan Native	9 Refused

**D6. What is the highest level of education that you have completed?**12 (write in actual level)**D7. In your opinion, where is your exposure to mercury coming from?**FishSS# 081-60-8531

If you have any questions about the Registry, you may ask the interviewer or contact New York State Department of Health researcher, Dr. Kitty Gelberg, at 1-800-458-1158 extension 27900.

CASE #: 688058TYPE OF METAL: M (A,C,M or L)INTERVIEW STATUS: I

1 = Complete

4 = Dead End, Extended Failure to Contact

5 = Dead End, Patient Deceased

6 = Interview Refusal

7 = Physician Requested No Interview

8 = Department Decision No Interview

SURVEY DATE: 10/06/08INTERVIEWER: JMLAST NAME: PORRAZZOFIRST NAME: LEEMI: ADDRESS: 44 NORTH BROADWAYCITY: WHITE PLAINS ST: NY ZIP: 10603FIPS CODE: 119HOME PHONE: (914) 804-4938DOB: 03/10/62SSN: 081-60-8531TEST NO. 001SAMPLE DATE: 10/01/08VALUE: 23SEX  M /  FETHNICITY: 1EDUCATION: 12EMPLOYER CODE: 95815902 OCCUPATION CODE: 0263 476EXPOSURE CODE: 2PROCESS CODE: E

1 = Occupational  
 2 = Non-Occupational  
 3 = Both  
 9 = Unknown

A = Accidental Ingestion  
 B = Bridge Worker  
 C = Cookware  
 D = Dental  
 E = Environmental  
 F = Casting (Sinkers, Bullets, Etc.)  
 G = Stained Glass  
 H = Iron/Steel Structures (Non-Bridge)  
 I = Institutionalized  
 J = Job Exposure Typical of Occupation  
 K = Smelter Work  
 L = Lead Abatement  
 M = Metal Recycling  
 N = Medical Procedure/Necessity  
 O = Hobby, Jewelry, Crafts  
 P = Pica  
 Q = Lead Glass, Frit, Pigment, Powder  
 R = Residential Remodeling/Boat Scraps  
 S = Shooter  
 T = Shot  
 U = Unknown  
 V = Radiator Repair  
 W = Diet, Folk Medicine  
 X = Lab Error  
 Y = Work with Wires/Cables  
 Z =

OCT 07 2008

058

*Edit Cases and Reports*Printable Format[Return to Interviews Assigned](#)[Check Employer Info](#)

SSN: 081608531

First Name: LEE

MI:

Last Name: PORRAZO

Maiden Name:

DOB: 03/10/1962

Street: 44 NORTH BROADWAY,

City: WHITE PLAINS

State: NY

Zip: 106036

County Gazeteer:

FIPS Code: 119

Phone: 9148044938

Gender: M

Ethnicity: 9

Education:

1st Interview Date:

1st Interview Stat:

1st Interview Type:

2nd Interview Date:

2nd Interview Stat:

2nd Interview Type:

3rd Interview Date:

3rd Interview Stat:

3rd Interview Type:

4th Interview Date:

4th Interview Stat:

4th Interview Type:

[Update Case](#)

Interview Assigned:

10/06/2008

Interviewer:

Page 4

Completed By:

Date Completed:

Interview Status:

Interview Type:

1st Letter Sent:

2nd Letter Sent:

Thank You Sent:

Exposure Sent:

Lead Paint Sent:

Pregnant Sent:

Shooters Sent:

Future Use Sent:

2nd Future Use Sent:

Dr Letter Sent:

Employer Letter Sent:

[Update Interviewers](#)

Test number:

001

Metal:

M

Type of Report:

E

Sample Name:

ALAN JAFFE

Sample Street:

ATTN: REFERRING PHYS

Sample City:

WHITE PLAINS

Sample State:

NY

Sample Zip:

10604

Sample:

B

Reported Value:

23

Value/Units:

23 MCG/L

Comments:

ASSAY WAS REP

Corrected:

0

Unadjusted:

0

Accession:

K4132784

Sample date:

10/01/2008

Date analyzed:

10/03/2008

Date received:

10/04/2008

Report lab #:

2499

Lab #:

2499

Physician #:

Employer #:

9999

Emp cnty gaz:

99

Emp city gaz:

99

Clinic report:

0

Occ Code:

9999 999 (200)

Occ status:

9

Process code:

0

[Update](#)[Delete](#)

v1.1DOHPRODI

[Back](#)[Main Menu](#)

Oct 6, 2008

[View Logs](#)

**EXHIBIT "E"**

**The Westchester Medical Group**

210 Westchester Ave.  
 210 Westchester Avenue  
 White Plains, NY 10604  
 (914) 682-0700 Fax: (914) 457-1400

March 13, 2009

Page 1  
 Chart Document

LEE PORRAZZO

Male DOB:03/10/1962

101633

Home: (914)804-4938 Office: (914)286-5817

Ins: HEALTHNE (HEALTHNET)

**11/04/2008 - Lab Report: Hepatic Function, Coronary Risk Profile****Provider: Alan Jaffe, MD****Location of Care: WMG**

Patient: LEE PORRAZZO

Note: All result statuses are Final unless otherwise noted.

Tests: (1) Hepatic Function (hepatic)

Order Note: TESTING PERFORMED AT: QUEST DIAGNOSTICS, ONE MALCOLM AVENUE,  
 TETERBORO, NJ, 07608, LABORATORY DIRECTOR: WILLIAM E. TARR, M.D., CLIA ID#  
 31D0696246

ALBUMIN	4.6 G/DL	3.6-5.1
PROTEIN, TOTAL	7.3 G/DL	6.2-8.3
ALKALINE PHOSPHATASE	52 U/L	40-115
ALT [H]	77 U/L	9-60
AST [H]	72 U/L	10-40
BILIRUBIN, DIRECT	0.1 MG/DL	< = 0.2
BILIRUBIN, TOTAL	0.7 MG/DL	0.2-1.2
GLOBULIN, CALCULATED	2.7 G/DL	2.1-3.7
A/G RATIO	1.7	1.0-2.1
! BILIRUBIN, INDIRECT	0.6 MG/DL	0.2-1.2

Tests: (2) Coronary Risk Profile (corisk)

Order Note: TESTING PERFORMED AT: QUEST DIAGNOSTICS, ONE MALCOLM AVENUE,  
 TETERBORO, NJ, 07608, LABORATORY DIRECTOR: WILLIAM E. TARR, M.D., CLIA ID#  
 31D0696246

TRIGLYCERIDES	[H] 381 MG/DL	<150
CHOLESTEROL, TOTAL	199 MG/DL	125-200
HDL CHOLESTEROL	[L] 38 MG/DL	>=40
LDL CHOL, CALCULATED	85 MG/DL	<130
DESIRABLE RANGE IS <100 MG/DL FOR PATIENTS WITH CORONARY HEART DISEASE (CHD) OR DIABETES, AND <70 MG/DL FOR DIABETIC PATIENTS WITH KNOWN CHD.		

CHOLESTEROL/HDL RATIO [H] 5.2 < = 5.0

Patient Note: Items in this order include: Hepatic Function, Coronary Risk Profile, Specimen handling[i], Venipuncture[i]

Note: An exclamation mark (!) indicates a result that was not dispersed into the flowsheet.

Document Creation Date: 11/05/2008 2:26 AM

(1) Order result status: Final

Collection or observation date-time: 11/04/2008 11:09:37

Requested date-time:

Receipt date-time: 11/04/2008 11:09:37

Reported date-time: 11/05/2008 02:23

Referring Physician:

Ordering Physician: Alan Jaffe (ajaffe)

Specimen Source:

Source: Orchard

The Westchester Medical Group

210 Westchester Ave.

210 Westchester Avenue

White Plains, NY 10604

(914) 682-0700 Fax: (914) 457-1400

March 13, 2009

Page 2

Chart Document

LEE PORRAZZO

Male DOB:03/10/1962

Home: (914)804-4938 Office: (914)286-5817

101633

Ins: HEALTHNET (HEALTHNET)

Filler Order Number: 1285964

Lab site:

(2) Order result status: Final

Collection or observation date-time: 11/04/2008 11:09:37

Requested date-time:

Receipt date-time: 11/04/2008 11:09:37

Reported date-time: 11/05/2008 02:23

Referring Physician:

Ordering Physician: Alan Jaffe (ajaffe)

Specimen Source: Serum, refrigerated

Source: Orchard

Filler Order Number: 1285964

Lab site:

Signed by Alan Jaffe, MD on 11/11/2008 at 6:09 PM

---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LEE PORRAZZO,

Plaintiff(s),

-against-

BUMBLE BEE FOODS, LLC and THE STOP  
& SHOP SUPERMARKET COMPANY, LLC,

Defendant(s).

-----X  
AFFIDAVIT  
OF MAILING  
Case No.: 10-CV-04367(CS)  
(LMS)

STATE OF NEW YORK )  
                        )ss:  
COUNTY OF WESTCHESTER )

DEBORAH LORE, being duly sworn, deposes and says:

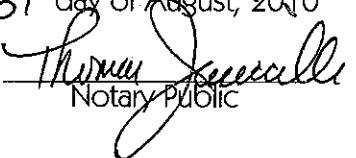
I am not a party to the within action, am over eighteen (18) years of age and reside in Rye Brook, New York.

On August 31, 2010, I served a true copy of the annexed AMENDED COMPLAINT by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

TO: BONNER, KIERNAN, TREBACH  
& CROCIATA  
Empire State Bldg., 59<sup>th</sup> Floor  
New York, New York 10118  
Attn: Kenneth A. Shoen, Esq.

  
DEBORAH LORE

Sworn to before me this  
31 day of August, 2010

  
Thomas Jannuccilli  
Notary Public

THOMAS JANNUCCILLI  
NOTARY PUBLIC, State of New York  
No. 021A5061856  
Qualified in Westchester County  
Commission Expires June 17, 2014

Index No.

Year 20

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

---

LEE PORRAZZO,

-against-

Plaintiff(s),

BUMBLE BEE FOODS, LLC. and THE STOP &amp; SHOP SUPERMARKET COMPANY, LLC,

Defendant(s)

## AMENDED COMPLAINT

## KILLERLANE LAW OFFICES, P.C.

Attorney for

LEE PORRAZZO

175 MAIN STREET

SUITE 606

WHITE PLAINS, NY 10601

(914) 948-9500

Pursuant to 22 NYCRR 130.1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

8/31/10

Dated:

Signature

CHRISTINA M. KILLERLANE, ESQ.

Service of a copy of the within

is hereby admitted.

Dated:

Print Signer's Name

Attorney(s) for

## PLEASE TAKE NOTICE



NOTICE OF ENTRY that the within is a (certified) true copy of a entered in the office of the clerk of the within-named Court on

20

Check Applicable Box



NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within-named Court,

at

on

20

, at

M.

Dated:

Attorney for

KILLERLANE LAW OFFICES, P.C.

175 MAIN STREET

SUITE 606